



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PRESIDIO, INC., et al,

Plaintiffs,

- against -

DRIVEN ACQUISITIONS, INC., et al,

Defendants.
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23-CV-6235 (JHR) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court is in receipt of the parties' correspondence concerning scheduling of depositions. The request for a conference is denied without prejudice. Professionals should be able to determine deposition scheduling without court intervention. To provide guidance for the parties, the Court orders as follows:

1. Fact discovery and expert discovery are sua sponte extended by four weeks each.

Fact discovery shall be completed by October 24, 2024; expert discovery shall be completed by December 9, 2024.

2. By September 5, 2024, counsel shall obtain from each witness they represent every date of availability each of those witnesses has for deposition prior to the end of discovery. By September 6, 2024, counsel shall exchange that information in writing indicating which witnesses and which attorneys are available which days. Counsel and the parties should expect that in the event of continued difficulties in scheduling, the Court will require that every witness and attorney provide sworn statements that they have provided their complete schedule of availability and explaining why they are not available other days.

3. By September 10, 2024, counsel shall meet and confer by phone, video conference, or in person and agree upon dates for deposition of all witnesses.
4. Given Defendants' having sought depositions of Plaintiff's witnesses months ago, then, based on the dates of availability exchanged pursuant to the above, Defendants shall have priority in determining which witness will be deposed on any given day, so long as the selection does not prevent all depositions from being completed by the end of discovery.
5. Depositions shall not be scheduled back-to-back on the same day (such as to deprive the taking party of 7 hours time for a deposition) unless the taking party consents. However, two witnesses may be scheduled for the same day if defending and taking attorneys are available to cover each deposition.
6. In the event counsel are not able to work out a schedule by September 11, 2024, they will be required to come to the Courthouse in person to meet and confer until a schedule is finalized.
7. The parties shall file a joint status letter by September 12, 2024.

The Clerk of Court is directed to terminate the letter motion at Dkt. 108.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 30, 2024
New York, New York

Copies transmitted this date to all counsel of record.